IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 3494 of 2005

Between:

1 M/s.Sai Wines, rep. by A.Yedukondalu, S/o.Subba Rao, R/o.D.No.3-32, Main Road,
Peteru, Repalli, Guntur District.
2 M/s.Murali Wines, rep.by T.Lakshmi Narayana, S/o.Jagannatham,
R/o.D.No.2-2110, Penumudi, Repalle, Guntur District.

..... PETITIONERS

AND

1 The Special Chief Secretary, Revenue (Excise-II) Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 The Commissioner, Prohibition & Excise, Government of Andhra Pradesh, Hyderabad.
3 The Excise Superintendent, Prohibition & Excise, Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, more particularly one in the nature writ of Mandamus declaring the G.O.Ms.No.184 dt.7-2-2005, as arbitrary, illegal, violative of Article 14, 21 of the Constitution of India and consequently set aside the same and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.DURGA PRASAD RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

In view of the judgment of this Court in W.P.No.2749 of 2005 & batch, dated 24.02.2005, the writ petition is allowed, directing that-

a. G.O.Ms.No.184, dated 07.02.2005, in so far as it prohibits renewal of existing IL-24 licences for the forth coming Excise year 2005-06, is declared as arbitrary and unreasonable and violative of Article 14 of the Constitution of India and, set aside to that extent.

b. It shall be open to the Government to formulate its own policy, in accordance with law, by taking into account the observations made by this Court in W.P.No.2749 of 2005 & batch.

c. There shall be no order as to costs.

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25.02.2005

Jsu

To

1 The Special Chief Secretary, Revenue (Excise-II) Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 The Commissioner, Prohibition & Excise, Government of Andhra Pradesh, Hyderabad.
3 The Excise Superintendent, Prohibition & Excise, Guntur, Guntur District.

4 2 CCs to the G.P. for Prohibition and Excise, High Court of A.P., Hyderabad (OUT).

5 2 CD copies